

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ANTHONY HORNICEK, on behalf of)
Himself and all others similarly situated,)
683 Shropshire Drive)
West Chester, PA 19382)
)
Plaintiff,)
)
)
v.) CIVIL ACTION FILE NO.
) 2:10-cv-03631-LP
**CARDWORKS SERVICING, LLC)
255 West Station Square Drive)
Pittsburgh, PA 15219,)
)
Defendant.)
)****

**DEFENDANT'S RESPONSE
TO PLAINTIFF'S MOTION TO STAY PROCEEDINGS, INCLUDING
DEFENDANT'S MOTION TO COMPEL ARBITRATION**

COMES NOW, CardWorks Servicing, LLC (“CardWorks”), Defendant in the above-styled action, and files this Response to Plaintiff’s Motion to Stay Proceedings as set forth below:

CardWorks Servicing, LLC, does not object to Plaintiff’s Motion to Stay the Proceedings, including CardWorks’ pending Motion to Compel Arbitration; however, CardWorks *does not* agree that the pending case before the United States Supreme Court in the matter of *AT&T Mobility, LLV v. Vincent and Liza*

Concepcion, cert. granted at 130 S.Ct. 3322 (2010) (No. 09-0893), has any bearing on or relevance to the instant matter.

Respectfully submitted,

MAURICE & NEEDLEMAN, P.C.

s/ *JOANN NEEDLEMAN*

JOANN NEEDLEMAN (74276)
935 One Penn Center
1617 John F. Kennedy Blvd
Philadelphia, PA 19103
(215) 789-7151
(215) 563-8970
joann@mnlawpc.com
*Attorney for Defendant, CardWorks
Servicing, LLC*

Date: November 16, 2010

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<p>ANTHONY HORNICEK, ON BEHALF OF HIMSELF AND OTHERS SIMILARLY SITUATED,</p> <p>Plaintiff,</p> <p>vs.</p> <p>CARDWORKS SERVICING LLC,</p> <p>Defendant.</p>	<p>Hon. Louis Pollack Civil Action No.: 10-3631</p>
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CERTIFICATE OF SERVICE

I, JOANN NEEDLEMAN, ESQUIRE, hereby certify that on this date I have caused a true and correct copy of the foregoing response to Plaintiff's Motion for Stay of Proceedings to be served by regular, first class mail, postage pre-paid and electronic submission upon:

THEODORE E. LORENZ, ESQ.
450 N. NARBERTH STREET
NARBERTH, PA 19072

MAURICE & NEEDLEMAN, P.C.

s/ JOANN NEEDLEMAN

JOANN NEEDLEMAN (74276)
Attorney for Defendant

Date: November 16, 2010

